

DANIEL J. HARDY,)	3:07-CV-0534-ECR (RAM)
)	
Plaintiff,)	
)	
vs.)	<u>REPORT AND RECOMMENDATION</u>
)	<u>OF U.S. MAGISTRATE JUDGE</u>
RANDALL NIXON, et al.,)	
)	
Defendants.)	
)	

Before the court is Plaintiff's Motion for Dismissal of Civil Complaint (Doc. #36). There has been no opposition.

As such, Plaintiff's Motion for Dismissal of Civil Complaint (Doc. #36) should be granted.

IT IS HEREBY RECOMMENDED that the District Court enter an Order **DISMISSING** Plaintiff's Complaint without prejudice.

The parties should be aware of the following:

1. That they may file, pursuant to 28 U.S.C. § 636(b)(1)(C) and Rule IB 3-2 of the Local Rules of Practice, specific written objections to this Report and Recommendation within ten (10) days of receipt. These objections should be titled “Objections to Magistrate Judge’s

1 Report and Recommendation” and should be accompanied by points and authorities for
2 consideration by the District Court.

3 2. That this Report and Recommendation is not an appealable order and that any
4 notice of appeal pursuant to Rule 4(a)(1), Fed. R. App. P., should not be filed until entry of
5 the District Court’s judgment.

6 DATED: November 10, 2009.

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UNITED STATES MAGISTRATE JUDGE